

REMARKS

The foregoing amendment amends the specification and claims 1 and 5 and adds new claims 14-15. Pending in the application are claims 1-15, of which claims 1 and 5 are independent. The following comments address all stated grounds for rejection and place the presently pending claims, as identified above, in condition for allowance.

Claim 1 is amended to clarify that the liquid exhaust mechanism is provided *below* the off-gas flow entrance. Claim 5 is amended to clarify that the liquid exhaust mechanism is provided *below* the supply gas flow exit. Support for the amendments can be found throughout the application as originally filed, at least for example in Figures 1, 11 and 13, and in the specification on page 9, lines 9-18 and page 10, lines 16-26. *No new matter is added.*

Amendment and/or cancellation of the claims are not to be construed as an acquiescence to any of the objections/rejections set forth in the instant Office Action, and were done solely to expedite prosecution of the application. Applicants reserve the right to pursue the claims as originally filed, or similar claims, in this or one or more subsequent patent applications.

Objection to the Drawings

Regarding the objection to the drawings for including a reference sign 62b in Figure 4 that is not mentioned in the description, Applicants have amended page 9 of the present specification to refer to ----a position 62b---, rather than “a position 62”, which overcomes the objection raised by the Examiner.

35 U.S.C. 102 Rejections

Applicants thank the Examiner for the close review of the claims and for indicating that claims 2-4, 6 and 7 recite patentable subject matter. Regarding the rejection of claims 1 and 5 under 35 U.S.C. 102 as being anticipated by the admitted prior art in the present application (APA ‘104) and the admitted prior art in US application 09/764277 (APA ‘277), Applicants respectfully submit that the pending claims distinguish patentably over the admitted prior art in both the present application and the APA ‘277 reference.

The amendment to claim 1 clarifies that the liquid exhaust mechanism is *separate* from the off-gas exit. The amendment to claim 5 clarifies that the liquid exhaust mechanism is *separate* from the reactive gas exit. In contrast, the Examiner interprets the admitted prior art to have a “liquid exhaust mechanism which exhausts liquid” that is the same as a “reactive gas exit” itself or an “off-gas exit”. However, the admitted prior art does not teach or suggest a liquid exhaust mechanism provided *below*, i.e., separate from, the off-gas flow entrance or the supply gas flow exit, as recited in claims 1 and 5, respectively.

The use of a liquid exhaust mechanism that is separate from the exit for a reactive gas or an off-gas provides significant advantages not realized in the prior art. The location of the liquid exhaust mechanism facilitates exhausting of liquid that accumulates in the off-gas flow entrance and/or exit, preventing or reducing blocking of the hollow fiber membranes by water. Therefore, the number of hollow fiber membranes for humidification can be increased, reduction in the flow path area of the off-gas can be reduced, and increase in pressure loss of off-gas can be prevented.

Therefore, claims 1 and 5 should be allowable, and dependent claims 12 to 15, which depend from claim 1 or 5, should also be allowable.

Double Patenting Rejection

Regarding the nonstatutory double patenting rejection of claims 1, 5 and 12-13 as being unpatentable over claim 5 of U.S. Patent Number 6,554,261, the ‘261 reference does not teach or suggest a liquid exhaust mechanism that is provided *below* or even separate from an off-gas exit, as recited in independent claim 1, or a reactive gas exit, as recited in independent claim 5.

Regarding the provisional rejection of claims 1 and 5 as being unpatentable over claim 1 of co-pending application 09/764,277, Applicants respectfully submit that the ‘277 reference does not teach or suggest a liquid exhaust mechanism provided *below* an off-gas flow entrance or a supply gas flow exit, as recited in claims 1 and 5, respectively.

Therefore, Applicants respectfully request that the double patenting rejections be reconsidered and withdrawn.

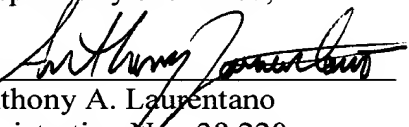
CONCLUSION

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If, however, the Examiner considers that obstacles to allowance of these claims persist, we invite a telephone call to Applicant's representative.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SIW-013 from which the undersigned is authorized to draw.

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Respectfully submitted,

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